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SENATE

{ REPORT
No. 805

SHARON A. GATES

SEPTEMBER 24 (legislative day, SEPTEMBER 19), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2007]

The Committee on the Judiciary, to which was referred the bill (S. 2007) for the relief of Sharon A. Gates, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to provide for the admission into the United States of the adopted daughter of Maj. and Mrs. William M. Gates, who are citizens of the United States. The child would be considered to be a nonquota immigrant, which is the status normally enjoyed by the alien minor children of citizens of the United States.

STATEMENT OF FACTS

The beneficiary of the bill was born in Germany on December 17, 1950, and she was adopted by Maj. and Mrs. William M. Gates on April 30, 1951. Major Gates is on duty with the Air Force in Germany and he and Mrs. Gates expect to return to the United States sometime in October 1951.

Senator Blair Moody, the author of the bill, has submitted the following information in support of the bill:

UNITED STATES SENATE,
COMMITTEE ON BANKING AND CURRENCY,
August 30, 1951.

Senator PAT McCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR McCARRAN: I am writing in behalf of S. 2007, a bill for the relief of Sharon A. Gates, which I introduced in the Senate on August 15,

Sharon Ann Gates was born in Germany on December 17, 1950. She was adopted by Maj. and Mrs. William M. Gates, USAF, and the adoption papers became final on April 30, 1951.

Major Gates is a resident of Michigan and has an outstanding record in the Air Force. He is now on duty in Germany. His tour of duty will expire in October 1951 and I am advised it cannot be extended.

I shall, therefore, greatly appreciate it if you will see to it that this particular legislation (S. 2007) receives committee consideration at the earliest possible time.

Thank you for your courtesy in this connection.

Sincerely yours,

BLAIR MOODY, *United States Senator.*

THIRTY-SIXTH FIGHTER-BOMBER WING,
APO 208, CARE OF POSTMASTER,
New York, N. Y., July 31, 1951.

Hon. BLAIR MOODY,
United States Senator, United States Senate.

Sir: I have received your letters of the 10th and 20th of July and we sincerely appreciate your efforts in our case.

As you suggest, I would be deeply indebted if you will introduce a private bill in our child's behalf. At present I have been able to get my rotation delayed until sometime between the 1st and 15th of October 1951 and hope this will be sufficient time, for you may rest assured I will not leave this country without Sharon being with me.

The following is the information you requested:

Name when born: Elfriede Anna Karish.

Name upon final adoption: Sharon Ann Gates. (At the visa department of the American consulate they took both names.)

Our marriage date was: October 17, 1941, at Van Buren, Ark.

Again I want to thank you for your efforts in this case.

Respectfully,

WILLIAM M. GATES,
Major, *United States Air Force.*

DEPARTMENT OF STATE,
Washington, July 18, 1951.

Hon. BLAIR MOODY,
United States Senate.

MY DEAR SENATOR MOODY: I have your letter of July 10, 1951, with which you enclosed the attached communication from Maj. William M. Gates, who is now stationed in Germany, relative to his desire to bring his adopted daughter to the United States.

The existing immigration laws do not provide a quota-exempt status or preference status within the quota for a child adopted by American parents. While section 12 of the Displaced Persons Act of 1948, as amended, contains a provision for first priority in the issuance of immigration visas under the German and Austrian quotas for adopted children who were under 16 years of age on June 25, 1948, it expressly states that the adoption must have been legally effected prior to May 1, 1949, by an American citizen temporarily residing abroad.

The information indicates that under the present laws and regulations this child must be considered as a nonpriority nonpreference immigrant chargeable to the quota of her country of birth and as such must await her turn for the processing of her case in the order of the date of her registration on the waiting list. The child's case cannot be advanced over those of applicants who registered ahead of her since the Code of Federal Regulations provides that under no circumstances may an applicant for a quota immigration visa be issued such a visa out of his proper turn with other qualified applicants in the same category, as this would have the effect of according the applicant an unauthorized preference over other qualified applicants having earlier priority.

I do not see how the child could qualify for a visitor's visa under section 3 (2) of the Immigration Act of 1924, as amended, since to do so she would have to show that she is coming to the United States for a legitimate temporary purpose with no intention of remaining permanently and that she will depart promptly from

the United States upon the completion of her visit. It is obviously the desire of Major Gates to have his adopted daughter enter the United States for permanent residence and her classification therefore is that of an immigrant.

As you doubtless know, legislation has been introduced in the Eighty-second Congress to provide nonquota immigration status for legally adopted children of citizens of the United States. It is, of course, impossible for the Department to say whether such legislation will be enacted. At the present time a private bill for the child's relief would appear to be the quickest solution to her immigration problem.

Sincerely yours,

ROBERT C. ALEXANDER,
Assistant Chief, Visa Division.

THIRTY-SIXTH FIGHTER-BOMBER WING,
APO 208, United States Air Force,
Care of Postmaster, New York, N. Y., June 28, 1951.

HON. BLAIR MOODY,
United States Senator, United States Senate.

SIR: I am William M. Gates, major, USAF, serial No. 12115A, home address, 1111 White Street, Ann Arbor, Mich., now stationed in Germany with my family. During my tour of duty here in Germany my wife, 9-year-old son, and myself decided to adopt a child to make our family more complete. Arrangements were made through our base chaplain and we obtained a child 10 days old that had been born out of wedlock and was up for adoption. The child was born on December 17, 1950, and we registered her with the American consulate in Munich for a nonquota visa on the 9th of January 1951, receiving registration No. 48531. The adoption papers became final on April 30, 1951.

I have been on a year's extension with the idea in mind that the child's number would come up on the quota and be issued a visa to return to the States with us. However, all extensions have been canceled in this command and we are to return to the States in August, having been in this command 45 months.

Under the present immigration laws and the time involved, the American consulate informs us that at the rate of turn-over of the visa quotas, it will be sometime in 1952 before we can return our child to the States. The American consulate also informs us that we will have to leave the child here in someone's care until such time that she can enter the States.

Is there any quick legislation that can be passed that can cover the entry of adopted infants under a reasonable age for entry into the States, such as that that covers children born over here of American parents.

Any help that you may bring to bear on proper legislation in this matter will most certainly be appreciated. This matter is of very grave concern to us and the time is very short. In the event that legislation cannot be passed before August, can permission of some sort be granted for a visitor's visa so that our child may accompany us to the States and remain there until such time as legislation can be passed, or her quota number comes up for a permanent visa?

Respectfully,

WILLIAM M. GATES,
Major, USAF.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2007) should be enacted:

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